THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.16979 OF 2007

ORAL ORDER:

This writ petition is filed seeking a declaration that the order dated 8.5.2007 passed by the Assistant Provident Commissioner under Section 7A of the Employees Provident Fund and Miscellaneous Provisions Act, 1952 (for short "the Act") as arbitrary and illegal.

Since, an alternative remedy of Appeal is available against the impugned order under Section 7-I of the Act, the petitioner cannot maintain this writ petition, without exhausting the Statutory remedy.

Accordingly, the writ petition is disposed of permitting the petitioner to prefer an Appeal against the impugned order within a period of four weeks from the date of receipt of a copy of this order. If any such Appeal is preferred within the time prescribed above, the same shall be entertained and decided in accordance with law. Pending such Appeal, the impugned order dated 8.5.2007 as well as the consequential orders dated 23.7.2007 and 24.7.2007 remain suspended, subject to the condition that the petitioner deposits half of the amount assessed under the impugned order dated 8.5.2007, within a period of 8 weeks from today. No costs.

9.8.2007.

Kgr

Note: Issue CC by today.

(Bo)

Kgr

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.16979 OF 2007

9th August, 2007.

Between:

Southern Power Distribution Company of
A.P. Limited, represented by its
Divisional Engineer, Operation/APSPDCL,
Kadapa. .. Petitioner.

And

Employees Provident Fund Organization,
represented by Provident Fund Commissioner,
Sub-Regional Office, 1/30, Railway Station
Road, Cuddapah – 516 004 and another. .. Respondents.